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7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-188**

12 **KRISTINE MARIE LAMAR**
1002 Margarita Avenue
13 Grover Beach, CA 93433

A C C U S A T I O N

14 Registered Nurse License No. 729409

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about June 30, 2008, the Board issued Registered Nurse License No. 729409 to
23 Kristine Marie Lamar (Respondent). The Registered Nurse License was in full force and effect at
24 all times relevant to the charges brought herein and will expire on November 30, 2013, unless
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
7 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
8 or the possession of, or falsification of a record pertaining to, the substances described in
9 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
10 thereof. . . ."

11 9. Section 2764 provides that the expiration of a license shall not deprive the Board of
12 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision
13 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an
14 expired license at any time within eight (8) years after the expiration.

15 **REGULATORY PROVISIONS**

16 10. California Code of Regulations, title 16, section 1444, states:

17 "A conviction or act shall be considered to be substantially related to the qualifications,
18 functions or duties of a registered nurse if to a substantial degree it evidences the present or
19 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
20 safety, or welfare. . . ."

21 **COST RECOVERY**

22 11. Section 125.3 provides that the Board may request the administrative law judge to
23 direct a licensee found to have committed a violation or violations of the licensing act to pay a
24 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Convictions of Substantially Related Crimes)**

27 12. Respondent is subject to disciplinary action under sections 490 and 2761,
28 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that

Respondent committed crimes substantially related to the qualifications, functions or duties of a registered nurse which to a substantial degree evidence her present or potential unfitness to practice in a manner consistent with the public health, safety, or welfare. The convictions are as follows:

a. On or about May 17, 2010, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive with an equal to or greater than 0.08% blood alcohol content (BAC), to wit, 0.11% BAC] in the criminal proceeding entitled *The People of the State of California v. Kristine Marie Lamar* (Super. Ct. San Luis Obispo County, 2010, No. M000443262). The Court sentenced Respondent to 10 days jail, placed her on four (4) years probation, and ordered her to complete a Second-Offender Alcohol Program.

b. The circumstances underlying the conviction are that on or about January 30, 2010, Respondent drove her vehicle while under the influence of a tested 0.11% BAC causing a single vehicle traffic collision.

c. On or about October 5, 2007, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive with an equal to or greater than 0.08% BAC, to wit, 0.11% BAC] in the criminal proceeding entitled *The People of the State of California v. Kristine Marie Lamar* (Super. Ct. San Luis Obispo County, 2007, No. M000406703). The Court sentenced Respondent to 4 days jail, placed her on three (3) years probation, and ordered her to complete a First-Offender Alcohol Program.

d. The circumstances underlying the conviction are that on or about August 1, 2007, Respondent drove her vehicle while under the influence of a tested 0.11% BAC.

SECOND CAUSE FOR DISCIPLINE

(Alcohol Related Convictions)

13. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and 2762, subdivision (c), in that on or about May 17, 2010, and October 5, 2007, on the grounds of unprofessional conduct, Respondent was convicted of crime involving alcoholic beverages. Complainant refers to and by this reference incorporates the allegations set forth above in

1 paragraph 12, subparagraphs a – d, inclusive, as though set forth fully.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Dangerous Use of Alcohol)**

4 14. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and
5 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about January 30,
6 2010 and August 1, 2007, Respondent used alcoholic beverages to an extent or in a manner
7 dangerous or injurious to herself or others. Complainant refers to and by this reference
8 incorporates the allegations set forth above in paragraph 12, subparagraphs a – d, inclusive, as
9 though set forth fully.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct / Violate Act)**

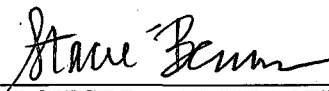
12 15. Respondent is subject to disciplinary action under section 2761, subdivision (a) and
13 or / (d), in that Respondent committed acts of unprofessional conduct, and / or act violating the
14 Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set
15 forth above in paragraphs 12 - 14, inclusive, as though set forth fully.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board issue a decision:

- 19 1. Revoking or suspending Registered Nurse License No. 729409, issued to Kristine
20 Marie Lamar;
- 21 2. Ordering Kristine Marie Lamar to pay the Board the reasonable costs of the
22 investigation and enforcement of this case, pursuant to section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: September 13, 2012

25 *for* 
26 LOUISE R. BAILEY, M.ED., RN
27 Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2012602532